

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**TOMMY DANIELS,**

Plaintiff,

v.

**SHELLEY ORTOLANI, INDIVIDUALLY  
AND AS SUBSTITUTE TRUSTEE FOR  
WELLS FARGO BANK,**

Defendant.

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Civil Action No. **3:14-CV-2665-L**

**ORDER**

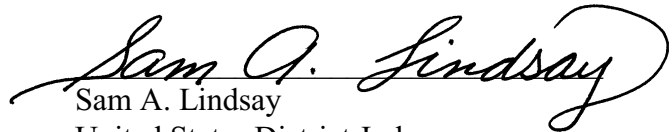
Before the court is Shelley Ortolani's Motion to Dismiss for Failure to State a Claim (Doc. 16), filed March 4, 2015. This case was referred for pretrial management to Magistrate Judge Paul D. Stickney, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on July 28, 2015, recommending that the court grant Shelley Ortolani's Motion to Dismiss for Failure to State a Claim (Doc. 16). No response to the motion or objections to the Report were filed by Plaintiff.

Having reviewed the motion, pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Shelley Ortolani's Motion to Dismiss for Failure to State a Claim (Doc. 16) and **dismisses with prejudice** Plaintiff's claims against Shelley Ortolani ("Ortolani") pursuant to Federal Rule of Civil Procedure 12(b)(6).

No claims remain pending, as Plaintiff's claims against Ortolani have been dismissed, and Plaintiff's claims against Defendant Wells Fargo Bank, National Association ("Wells Fargo") were

previously dismissed on February 24, 2015. The court, therefore, **vacates** the Standing Order of Reference (Doc. 9). The only remaining matter to be resolved in this case before entry of judgment is Well Fargo Bank, N.A.'s Motion to Expunge Lis Pendens (Doc. 14), which was filed by Wells Fargo after Plaintiff's claims against it were dismissed. The court will address this motion by separate order.

**It is so ordered** this 20th day of August, 2015.

  
Sam A. Lindsay  
United States District Judge